

## **CITY OF LOWELL**

CITY MANAGER'S EXECUTIVE ORDER OF JANUARY 17, 2006

### **CITY OF LOWELL EMPLOYEES CAMPAIGN (COLEC)**

WHEREAS, the employees of the City of Lowell have consistently demonstrated their commitment and sense of civic responsibility to the support of private, non-profit social, health and welfare organizations; and

WHEREAS, the City of Lowell desires to assist its employees in their charitable giving and to encourage their generosity by providing a convenient, equitable system by which employees may make charitable contributions; and

WHEREAS, the City of Lowell desires to establish a single City employee campaign which provides an opportunity for Lowell based charitable organizations to enjoy equitable access to the City's voluntary payroll deduction process and minimizes administrative disruption of the City workplace; and

WHEREAS, the City of Lowell has an obligation to assure that these organizations are accountable in the uses of the funds so raised; and

WHEREAS, the services of non-profit organizations serve an important function to the City of Lowell and the City of Lowell is desirous of supporting and promoting said organizations particularly since continued federal support for social service programs is uncertain;

NOW, THEREFORE, I, John F. Cox, City Manager of the City of Lowell, do hereby order authorization and implementation of a City of Lowell Employee Campaign, which fulfills the foregoing objectives:

#### **ARTICLE I. RESOLUTION**

Deductions on payroll schedules of City employees may be distributed to non-profit social, health and welfare organizations that meet the criteria and follow the authorizations for participation process as set forth in this Order.

#### **ARTICLE II. PLACEMENT**

The payroll deduction campaign process will fall under the authority of the Executive Director of the Lowell Charitable Campaign with the cooperation of the City of Lowell Treasurer's Office. Under the direction of the Executive Director of the Lowell Charitable Campaign or his designee, the Local Campaign Manager shall provide and administer the central receipt and accounting function for all cash and payroll deduction pledges. One check will be sent by the Treasurer's office each pay period, as defined by the Treasurer's Office, in the gross amount of deductions on the basis of current authorizations, to the Local Campaign Manager. The Local Campaign Manager will be responsible for the distribution of all cash and payroll

deduction amounts, less administrative costs (see Article V), to the participating organizations or the federated agencies. Contributions and pledges obtained during a period of organized solicitation in the fall of each year will be for disbursement during the ensuing calendar year. The Local Campaign Manager shall mean the agency or organization or federation selected by the Executive Director of the Lowell Charitable Campaign to manage the campaign in accordance with the procedures as defined herein.

### ARTICLE III. PARTICIPATION

The following criteria shall be used by the Local Campaign Manager to determine whether any individual organization or united fund, community chest or federated agency is eligible for participation in the campaign and receipt of funds contributed to it by City employees:

1. A demonstrated ability and willingness to prepare and present in writing, individually or by joint submission through a united fund or community chest or federated agency, sufficient organizational financial and programmatic information with which to evaluate the criteria listed in sections (2) through (9) here below. In order to be considered a united fund, community chest or federated agency an entity must have no fewer than ten eligible, participant organizations as members.
2. Incorporation or authorization to do business in the Commonwealth of Massachusetts as a private non-profit organization reporting annually to the Office of the Attorney General. Said organization should have been in operation for at least one year prior to its participation in the campaign.
3. Status as a health and welfare Section 501(C)(3) tax exempt entity pursuant to the Internal Revenue Code and applicable laws of the Commonwealth. A copy of the IRS determination must be submitted with the application.
4. Adoption of standard accounting and financial reporting systems commonly used by voluntary, non-profit health and welfare organizations, and preparation of an annual financial report made available for review by the Local Campaign Manager. Agencies with gross receipts in excess of \$100,000 shall also be required to provide an annual external audit duly certified by a public accountant.
5. A demonstrated ability to limit administrative and fundraising expenses.
6. Direction by a volunteer Board of Directors, which meets regularly, the majority of whose members serve without compensation.
7. A stated policy of non-discrimination in regard to all persons, irrespective of their race, color, creed, religion, national origin, sex, sexual preference, age or handicap, and compliance with all requirements of law and regulations respecting non-discrimination and equal employment opportunities with respect to its officers, staff, employees and volunteers.



8. The provision of programs or services directed towards service, research, education, advocacy or advancement of one or more of the following common human needs within the community:
  - Health and human services;
  - Civil and human rights;
  - Social adjustment, counseling, rehabilitation, and job training;
  - neighborhood and community organizing;
  - housing, shelter and emergency relief;
  - food and nutrition;
  - recreation;
  - day, foster, protective, adoption and shelter care for children, adults and families;
  - or a combination of programs or services specifically designed to meet the needs of children and youth, the ill and infirm, the mentally and physically handicapped, the elderly, the poor, minorities or women.
9. A physical office and working address in the City of Lowell to ensure that programs and services of the organization may provide specific assistance to the employees or the families of the employees within the City of Lowell.
10. Operation in compliance with all applicable federal, state and local laws.

#### ARTICLE IV. CAMPAIGN PROCEDURES

1. The Executive Director of the Lowell Charitable Campaign or his designee shall, after consultation with persons and organizations active in prior employee campaigns and with those expressing interest in inclusion in the upcoming campaign, identify the Departments within the City of Lowell where there will be a City of Lowell Employees Campaign (hereafter referred to as COLEC). The heads of all boards, agencies, and departments of City government shall cooperate with the Director and the Campaign Committee to promote the efficient- conduct of the campaign and to ensure that employee participation is clearly voluntary.
2. The Executive Director of the Lowell Charitable Campaign or his designee shall publicly post the position of Local Campaign Manager for advertisement at least 14 days prior to the inception of the COLEC campaign to conduct and manage the annual COLEC in Lowell. The Executive Director or his designee shall select from applications whichever applicant organization he/she assesses will most effectively and fairly provide the campaign services and administrative support necessary for a successful campaign. The responsibilities and powers of the Local Campaign Manager are described in Section 3 here below.
3. The Local Campaign Manager is expected to manage the campaign fairly and equitably; to conduct organization operations and accounting separately from other voluntary agency operations; to consider advice from, be responsible to reasonable requests for information from, and consult with other participants and City employees; and to be subject to the ultimate authority of the Executive Director.

Activities for which the Local Campaign Manager is responsible include, but are not limited to:

- a. The establishment and publication of a campaign timetable and program which clearly sets forth application deadlines, review procedures, publication and distribution of campaign materials, training and promotion and the actual campaign which shall be distributed to the preceding year's participant organizations and other interested parties; All review procedures and application deadlines are subject to approval by the Executive Director or designee;
- b. Receipt of applications from interested organizations, review of each application to determine whether the organization complies with the criteria set forth in Article III; preparation of timely notice to unsuccessful applicants as to which of the articulated criteria it fails to meet and procedures to be followed for appeal of the denial to the Employees Campaign Committee; and presentation of a report on all of the above activities for approval by the Employees Campaign Committee;
- c. Development and printing of a pledge card and a promotional brochure listing the campaign's participating organizations using a format and system consistent with those developed and approved by the Executive Director or his designee, and designed to group and identify united funds, community chests and federations;
- d. Conduct of the actual campaign, including timetable development, training of solicitors, arrangements for rallies; group solicitations and reporting of meetings, management of agency coordinators, plans for post-campaign recognition, etc. provided that the following standards for campaign development and conduct are met:
  - (i) Employees will be permitted to designate direction of contributions to specific united funds, community chests, or federated agencies as well as to individual organizations;
  - (ii) A pledge card and promotional brochure shall be distributed to each city employee being solicited for the campaign;
  - (iii) Each individual or federated participant organization shall have timely opportunities to submit to the Local Campaign Manager and to the Employees Campaign Committee its ideas and suggestions for campaign procedures, materials, and marketing.
- e. Processing, accounting, reporting and distribution of all funds contributed locally, including receipt of cash and bill-directs from donors and of lump sum payroll deduction payments from the Treasury Department;
- f. Preparation and submission, following each campaign, to the Executive Director and the Treasurer, of a final report detailing the amounts of designated and undesignated contributions and their distribution to



campaign participants and summarizing campaign costs, uncollectibles and interest apportionment. A synopsis of this report shall be distributed to each participant organization or its designated representative federation. Further, a brief summary of how the prior year's contributions were distributed shall be included in the current year's campaign brochure;

- g. Provision, upon the reasonable request by an organization applying for participation in the City's campaign, of full information on the systems and standards used by the Local Campaign Manager in fulfilling the responsibilities delineated above;
  - h. In the event that a contributor/employee, does not designate one or more of the participating agencies' as the beneficiary of their gift, the undesignated funds will be distributed by the Local Campaign Manager in a fair and equitable manner.
  - i. Once the selection of the campaign manager is made, the provision concerning fair and equitable distribution of undesignated funds as stated in paragraph (h) above, will be clearly indicated on the pledge card.
- 4. The Executive Director initially shall select an interim Employee Campaign Committee of no less than 3 persons to administer and initiate procedures of the Campaign and such committee shall work in conjunction with the Executive Director and the Local Campaign Manager.
  - 5. The local Employees Campaign Committee shall provide advice and leadership during the campaign with reference to campaign operations, education, motivation, and other activities supporting the goal of an efficient and successful campaign.

In addition, the local Employees Campaign Committee will have the following specific duties:

- a. Preview and final determination, following a report with recommendations by the Local Campaign Manager, of which organizations will be accepted and which rejected for participation in the local campaign;
- b. Assist in the development and conduct of the annual campaign through a network of campaign representatives selected by the heads of each department in the city;
- c. Inform campaign representatives of the function and authority of the Employees Campaign Committee.

In the event an eligible participant organization or an eligible applicant organization of the campaign is aggrieved by a certification, distribution or any other decision of the local Campaign Manager, such decision may be appealed, within a reasonable time, to the Employees Campaign Committee. The term "reasonable" shall be determined with reference to the campaign timetable mandated in Section 3(a) above. If not satisfied by the review and

decision of the Employees Campaign Committee, the organization may, once it has exhausted its recourse to this Committee, appeal for further review to the Executive Director of the Lowell Charitable Campaign. The Executive Director's decision shall be final.

#### ARTICLE V. COSTS, UNCOLLECTIBLES AND INTEREST

Campaign costs, uncollectibles and interest shall be apportioned to participants in direct proportion to their receipts. Cost, uncollectibles and interest itemization shall be part of each Local Campaign Manager's report to the Executive Director of the Lowell Charitable Campaign, the Treasurer and participant organizations or their designated representative federation following the campaign.

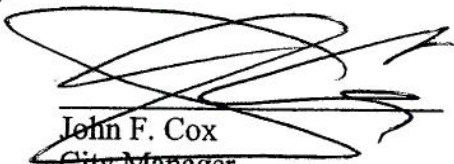
#### ARTICLE VI. REMOVAL

The Executive Director of the Lowell Charitable Campaign will have the authority to remove from participation in the campaign any organization which ceases to comply with the Articles of this Order.

#### ARTICLE VII. SUMMARY

The Executive Director of the Lowell Charitable Campaign will retain final authority over all decisions not expressly left to other parties herein.

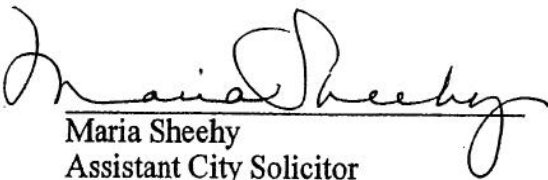
The Executive Director's authority and jurisdiction with regard to City of Lowell Employees Campaign is effective for the 2006-2007 campaign. In successive years, the City Manager may designate another city employee of his choice to serve as the campaign chairperson with campaign authority for that campaign year.



John F. Cox  
City Manager

Dated:

Approved as to form:



Maria Sheehy  
Assistant City Solicitor